

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP

THE WASHINGTON HARBOUR
3000 K STREET, NW, SUITE 300
WASHINGTON, DC 20007-5116
TELEPHONE (202) 424-7500
FACSIMILE (202) 295-8478
WWW.SWIDLAW.COM

TAMAR E. FINN
TELEPHONE: (202) 945-6917
FACSIMILE: (202) 424-7643
TEFINN@SWIDLAW.COM

NEW YORK OFFICE
THE CHRYSLER BUILDING
405 LEXINGTON AVENUE
NEW YORK, NY 10174
TELEPHONE (212) 973-0111
FACSIMILE (212) 891-9598

September 29, 2004

VIA ELECTRONIC FILING

Marlene R. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

Re: ***Ex Parte***, Intercarrier Compensation for ISP-Bound Traffic, (CC Docket Nos. 99-68, 96-98); and Core Communications, Inc. Petition for Forbearance Under 47 U.S.C. § 160(c) from Application of the ISP Remand Order (WC Docket No. 03-171)

Dear Ms. Dortch:

Pursuant to Section 1.1206 of the Commission's rules, this letter provides notice of an *ex parte* meeting John Sumpter (Vice President – Regulatory, Pac-West Telecomm, Inc.), Wanda Montano (Vice President-Regulatory, US LEC Corp.), and I had with Commissioner Kevin J. Martin on September 28, 2004. At the meeting, PacWest and US LEC supported elimination of the FCC's existing growth cap and new market restriction on ISP-bound traffic. We also discussed the legal and practical implications of an analysis of that traffic under Sections 251 or 201 of the Telecommunications Act. PacWest and US LEC advocated classifying ISP-bound traffic as Section 251(b)(5) traffic. The positions advanced at the meeting were consistent with PacWest's and US LEC's written filings in these dockets.

Pursuant to the Commission's *ex parte* rules, this letter is being filed electronically in the above-referenced dockets. Please direct any questions regarding this filing to the undersigned.

Marlene R. Dortch
September 29, 2004
Page 2

Sincerely,

/s/

Tamar E. Finn

cc: Commissioner Kevin J. Martin
John Sumpter
Wanda Montano